

**CORPORATE LICENSE INSTRUCTIONS**

LICENSING

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RE 218 (Rev. 9/04)

**GENERAL INFORMATION**

- This form discusses briefly how to license a corporation as a real estate broker and how to make changes once the corporation is licensed.
- The following forms are referenced in this instruction sheet:
 

Corporation License Application	RE 201
Branch Office Application	RE 203
Corporation Change Application	RE 204A
Examination & Licensing Fees	RE 206
Certification (Assignment of Supervisory Responsibility)	RE 210
Corporation Background Statement	RE 212
Salesperson Change Application	RE 214
- Business and mailing addresses are public information and are available to the public. Please consider this, especially when identifying a mailing address.

**LICENSING A CORPORATION AS A REAL ESTATE BROKER**

There are no provisions in the Business and Professions (B&P) Code which authorize a limited liability company to become licensed as a real estate broker.

*Refer to:* Sections 10158, 10159, 10159.2, 10170.5 10180, and 10211 of the (B&P) Code. Sections 2740 through 2746 of the Commissioner's Regulations.

When a corporation wishes to act as a real estate broker, the firm must be licensed by the Department of Real Estate (DRE) through qualified broker-officers, who have either passed the broker license examination and are now qualified to obtain a broker license, or who are currently licensed as real estate brokers.

*Note:* A license as an individual broker and a license as a broker-officer are **separate entities** and the status is not transferable from one to the other. The status as a broker-officer of one corporation is not transferable to being a broker-officer of another corporation.

**Fee and Applications Required**

- **License Fee** — A license fee is required for *each* broker-officer to be licensed with the corporation. Refer to RE 206 for current fees.
- A **Corporation License Application** (RE 201) must be completed by the designated broker-officer applicant and each broker-officer who is to act for and on behalf of the corporation.
- **Corporation Background Statement** (RE 212) – Regulation 2746 requires the designated officer who obtains the original corporation license to file an RE 212 for any director, chief executive officer, president, first level vice presidents, secretary, chief financial officer and subordinate officers with responsibility for forming policy of the corporation and all natural persons owning or controlling more than ten percent of its shares, **only** if

such a person has been subject of any of the items enumerated in the regulation. If none of the officers have been a subject of any of the items enumerated in the regulation, then an RE 212 is not needed. In all instances, the broker-officer must complete and sign the certification in Section III of RE 201.

- **Certificate of Status** — A corporation not currently licensed by this Department must include a Certificate of Status from the California Secretary of State. The certificate must be executed no more than thirty days prior to the date the application is submitted to our office. Articles of Incorporation will be accepted in lieu of the Certificate of Status provided the Articles were filed with the Secretary of State within six months preceding the date the application is submitted to DRE. If the firm is not incorporated in California, either a Certificate of Qualification or Certificate of Foreign Corporation from the California Secretary of State is required and must be executed no more than thirty days prior to the date the application is submitted to our office.
  - **Fictitious Business Name** — If the firm intends to use any name other than its own to conduct real estate business, submit a filed copy of the Fictitious Business Name Statement filed on behalf of the corporation. This document is obtained from the County Clerk's Office where the firm's principal place of business is located.
  - **Branch Office** — To be licensed with a branch office complete and submit an RE 203.
  - **Proof of Legal Presence** — Effective August 1, 1998, all real estate salesperson, broker, officer, and mineral, oil and gas broker licensees, must submit proof that they have legal presence in the United States before a renewal license can be issued. A proof of legal presence document (i.e., birth certificate, resident alien card, etc.) must be submitted by renewal applicants with a State Public Benefits Statement (RE 205). Please refer to that form for further instructions and information.
- If you have submitted proof of citizenship, or permanent resident alien status, since August 1, 1998, you will not be required to submit that information again. If you have only submitted evidence that you are a resident alien with temporary status, you must submit proof of legal presence with this application.
- **Salespersons** — An RE 214 is required for each salesperson to be employed by the corporation.

**GENERAL INFORMATION  
NEW & CURRENTLY LICENSED CORPORATIONS**

**Assignment of Supervisory Responsibility** — Section 10159.2 B&P Code permits the assignment of supervisory duties to licensed broker-officers, other than the broker-officer so designated pursuant to Section 10211 B&P, by resolution of the Board of Directors. Complete and submit an RE 210 and a copy of the resolution adopted by the Board of Directors to this Department. **Do not** submit RE 210 if the corporation has only one licensed broker-officer.

## RECORD CHANGES AFTER THE CORPORATION HAS BEEN LICENSED

Commissioner's Regulation 2746 requires corporations to file an RE 212 whenever there is an addition or a change in corporation officers or a natural person owning or controlling more than ten percent of the corporation shares, *if* such a person has been the subject of any of the items enumerated in the regulation.

### **Broker-Officer Changes**

- ***Substitution of designated broker-officer with a new officer*** — Only the designated broker-officer of a corporation may be replaced by another qualified broker during the licensed period. This may be accomplished by submitting an RE 201 from the new officer *and* either a copy of the personally signed resignation of the broker-officer leaving the firm, a copy of the Resolution of the Board bearing the corporate seal indicating this severance, *or* a signed statement providing the date of death of the currently licensed designated broker-officer. A licensed certificate will then be issued to the new broker-officer for the balance of the licensed period.

To keep the corporation continuously licensed with the Department, both the RE 201 and the resignation of the former broker-officer must be received in the same package. If all necessary documents are properly completed and in order, the effective date of the substitution on the records will be the received date of the package. If these documents are not received together, the licenses of the corporation and its branch offices will be cancelled and the working status of all salespersons will be terminated.

*Note:* No fee is required when the new officer is completing the balance of the license period.

- ***Adding "additional" broker-officers*** — Additional broker-officers may be licensed upon receipt of a completed RE 201 and the current license fee. Refer to RE 206 for current fees. Indicate on the application that the applicant is to be an "additional" broker-officer.
- ***Adding a new officer to be the designated broker-officer and the current designated officer is remaining as an "additional" broker-officer*** — A new broker-officer may be licensed as the designated broker-officer upon receipt of a completed RE 201, a license fee, and a personally signed statement from the current designated officer indicating that he will remain with the corporation as an "additional" broker-officer. If a new broker-officer applicant has passed the broker examination, but not applied for a license, and is substituting for a currently licensed broker officer, a license fee is required. (A fingerprint processing fee may also be required if the applicant has not held a real estate license in the previous two years.) Branch licenses will be reissued to match the term of the new "designated" broker-officer.

*Note:* A late fee must be submitted if an officer substitution is requested and the corporation license has expired or if the new designated broker does not have current valid broker license status. If an additional officer license is requested, a late fee must be submitted if the additional officer applicant does not have current valid broker license status. Refer to RE 206 for current fees.

- ***Change of designated broker-officer with another currently licensed broker-officer*** — Submit a completed RE 204A. No new license certificate will be issued to either broker-officer. However, if the license terms differ, new branch office licenses will be issued.

*Note:* The expiration date of the corporation is always the same as that of the designated officer. One license is issued for the corporation and the designated broker-officer.

### **To Change a Main Office Address or Mailing Address**

Submit a completed RE 204A signed by a licensed broker-officer.

### **To Add or Delete a Fictitious Business Name**

Submit a completed RE 204A signed by a licensed broker-officer.

*Note:* For additions also submit a filed copy of the Fictitious Business Name Statement filed on behalf of the corporation in the county of the main office.

### **Change of Corporation Name**

Submit a completed RE 204A and the amended Articles of Incorporation or amended name statement by a foreign corporation reflecting the name change and bearing the endorsed or filed stamp of the California Secretary of State. If currently licensed with a DBA, a copy of the filed Fictitious Business Name Statement reflecting the new corporate name as registrant must be submitted.

### **Reactivating an Expired Corporation**

Submit a completed RE 201, Certificate of Status from the Secretary of State, and a late fee. Refer to RE 206 for current fees.

### **How to Cancel a Corporation**

To cancel a corporation which is no longer conducting business for which a real estate license is required, submit a letter signed by *all* licensed broker-officers indicating that it is no longer conducting business. Upon cancellation of the corporate license, the working status of all salespersons licensed to the corporation will be terminated and all branch offices cancelled.

### **Cancelling An Additional Officer**

To cancel an "additional" broker-officer who is no longer conducting business on behalf of the corporation submit a personally signed letter of cancellation from the broker-officer, or a copy of the Resolution of the Board indicating the severance.

### **Re-Activating A Cancelled Corporation**

Submit a completed RE 204A if the corporation is being reactivated by the previously licensed designated broker officer. Submit a completed RE 204A and RE 201 if the corporation is being reactivated by a *new* designated broker-officer.

### **Duplicate License**

To request a duplicate license, submit a completed RE 204A signed by a licensed officer along with a \$10 fee.

### **eLicensing**

Licensees can perform the following transactions using the *eLicensing* system: broker and salesperson renewals; broker, salesperson, officer and branch duplicate license requests; employing broker requests to terminate salesperson employment; salesperson requests to change employing broker; mailing address and broker main office changes and; automated fee payment and processing.